



INTERIOR BOARD OF INDIAN APPEALS

DELHI-Trading Inc. v. Navajo Area Director, Bureau of Indian Affairs

28 IBIA 3 (05/12/1995)

Denying reconsideration of:

27 IBIA 151

27 IBIA 186



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DELHI-TRADING INCORPORATED,
Appellant

v.

NAVAJO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Reconsideration
:
:
:
: Docket No. IBIA 95-21-A
:
:
: May 12, 1995

Appellant DELHI-Trading Incorporated sought review of an August 31, 1994, decision of the Acting Assistant Navajo Area Director, Bureau of Indian Affairs, concerning the leasing of Navajo Allotments 057514, 011704, and 011706 for oil and gas purposes. On January 24, 1995, the Board of Indian Appeals dismissed the appeal based on appellant's failure to show standing. 27 IBIA 151. On February 24, 1995, the dismissal was affirmed on reconsideration. 27 IBIA 186.

On May 10, 1995, the Board received a letter from appellant in which appellant attempts to provide proof of standing. Because this matter is no longer pending before the Board, appellant's letter must be treated as a petition for reconsideration.

43 CFR 4.315 governs petitions for reconsideration of Board decisions. Section 4.315(b) provides that a party may file only one petition for reconsideration. Section 4.315(a) requires that a petition for reconsideration be filed within 30 days of the date of the decision for which reconsideration is sought. This petition for reconsideration must be dismissed both because it is a second petition and because it is untimely, whether it is construed as a petition for reconsideration of the initial dismissal or of the order addressing the first petition.

If appellant disagrees with this decision, it may proceed to Federal court.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1 and 4.315, this petition for reconsideration is denied.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge